

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, JUNE 22, 2015

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, June 22, 2015 at 7:10pm. The opening prayer by Councilman Cerreta.

2. Opening Prayer – Councilman Cerreta.

3. Pledge of Allegiance

4. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Griffith, Kiesling, Peters and Werren. Thus having 6 in attendance.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion to excuse Member Fonte?

COUNCILMAN FOLTZ: Motion to excuse Member Fonte.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 6 yes to excuse Councilman Fonte.

5. Consideration

COUNCIL PRESIDENT PETERS: Thank you very much. May I have a motion and a second to approve as presented:

Council Meeting Minutes: June 8, 2015
Finance Statement – May 2015 Month-End Reports

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 5 yes, 1 abstain to approve the above reports. Foltz abstained.

COUNCIL PRESIDENT PETERS: Thank you. At this time if you wish to address council please step forward state your name, address.

6. Recognition of Visitors

CHUCK OSBORNE: 307 Fairview St SE, North Canton, Ohio. I have couple topics. Financial records released over the last several months regarding the Dogwood Pool have clearly shown and I think the city won't dispute this that there have been some swim seasons where the city lost money. You didn't even meet your operating costs for that season. I hope the season we're obviously well into this summer will give you pause to rethink putting almost a million dollars in Dogwood Pool. Clearly if you're not making your operating costs you're losing money. And if you're not making your operating costs you're obviously not going to be able to make your amortized capital expenditures. So that's the first thing I want to say. Secondly I want to take a moment here first of all to apologize to Mr. Rod Covey here it's probably been 6, 8 weeks ago he was up here for probably I don't know how many times he's been up here trying to get this city to take an interest and to the blatant zoning violation that have been taken place out on Easthill for the last 7 years. He was up here trying to display his building the building drawings for that site and I should have come up and helped him. He had his hands full. So first of all I wanted to apologize to Mr. Covey; he's been carrying that torch alone for many years here. Secondly I want to call to your attention mischaracterizations that have been made by Mr. Fox regarding that property. Repeatedly at many meetings our law director has characterized the foundations of that plan to building as a retaining wall. Mr. Fox, I think that's insulting. We all know what that is. It's a building foundation of that second building. Which by the way is caving in and cannot really be repaired. You'd almost have to demo the whole damn thing. And I'll use that word. And I think that's what prompted Mr. Covey to bring in his drawings that had been approved by the city back in '04 of that building to show you this is not a retaining wall. This is our foundation walls for the building. And I don't know how much longer the city is going to jack around with this Mr. Zablon from what I'm gathering is going to make an attempt to get the foundation done. Who cares? He was given a permit to build a building this city should set timeframe of completion of the building, repairing that foundation and saying "oh look at me aren't we all glad" is not going to satisfy the situation. The building either needs to be completed or the foundation removed and the grounds filled in. We all know in all likelihood you're not going to find buyers and he is not going to move ahead with building the building. So lastly Mr. Fox's characterization that's a retaining wall every single one of you knows what

that is. It's a foundation of the building and every single one of you sat there and let your law director characterize that as a retaining wall. We have to have checks and balances in government and just because somebody questions what you do or say isn't a bad thing. It provides checks and balances. So things don't get run off and be totally wrong. Someone on this council should have spoken up and say "Mr. Fox, we very well know what it is it's a foundation of a building that was started and never completed". And I must say Mr. Fox you were the ward 3 councilman from '11 to '12. You should be very familiar with that situation and you should have taken a very special interest in that certainly when you became law director and this should have been in the back of your head that we want to move ahead and rectify this. So what we see out here in the audience and what we can barely hear Mr. Grimes he was here a while ago I don't know where he went to. Didn't I see Mr. Grimes here? Well, I guess my eyes are failing in addition to my hearing whatever he's done to this audio it hasn't made one damn bit of difference. I sit out here I've been coming up here for 15 years I know the procedure I know what goes on generally and you cannot hear. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Mr. Osborne. If there's anyone else wishing to address council please step forward and state your name and address.

SHIRLEY LOCKSHIN: 850 Easthill St NE, suite 204 in North Canton, Ohio. And I am an irate North Canton resident or maybe as the paper said angry beyond words in a condo with no satisfactory solution for the property at 840 Easthill St SE. George Zablo sent us a proposal for the pit to beautify and now we have dirt piled up high at the site. We emailed George Zablo saying his proposal was neither a solution nor acceptable. And it was an insult to our intelligence for his proposal. I am here to request that the site which is an eyesore and a hazard be torn down and put back to greenspace until Mr. Zablo is ready to build. It is his property and he can do anything he wants but he is in violation of many issues which you are all aware of. Now Mr. Fox I would like to say to you I called you on Friday now you could have returned my call but you did not. You know my husband was in business for 75 years and we always told his employees "no matter what the situation is the courtesy thing is for you to return calls". Now maybe I should of said in the newspaper like Mr... like the President Reagan says "please tear down this wall".

COUNCIL PRESIDENT PETERS: Thank you. If there's anyone else wishing to address council please step forward state your name and address.

LINDA HOAGLAND: 850 Easthill St SE, unit 103. I was here I'm here really to address the website and the return phone calls of people that said they would help us. June 8 afterwards "oh yes anything you need" okay, I'm not going to bother you every day with phone calls and stuff. But when I need to send four emails through your website and it took four before I finally got one in response two weeks I don't understand what the website's for. And I did have a call from Mary Beth thank goodness for her, she did follow up and we had a discussion on this. I guess in today's living I know no you don't need to report to me what you're doing I don't expect that I don't have time for that either. Trust me. We all have lives, but I guess I think on most computers they have this little auto reply button. Sorry out of the office when I get this I'll return your call or I'll return your email and I even talked to Mary Beth about this I said "how funny is this?" In today's day and age and then of course returning phone calls to I try not to use the phone. Yeah, I know you have other jobs that's correct that's fine. I have other things to do in life, trust me, this has taken a life of its own. Never in my wildest dreams so I have had two conversations well actually one conversation when I brought Mr. Bowles my papers we handed them specifically to him that's when I was here last time we needed to address the safety issues. That's what I was here for not for any la-di-da. Actually was very kind came to my husband handed him a card and said "I will call you on Wednesday the 10th" or whatever Wednesday the 10th. Okay, yeah, I know life everybody gets busy okay fine, Tuesday, 6/16 I thought geez what's going on nobody returns my call. I called that morning "is Mr. Bowles in?" And I do I do say who I am I'm not afraid to say that and the girl was very kind she goes "well let me see if he's in" and I'm thinking well I've never been to that office but I can't believe that whoever's answering the phone for you or for anybody else in business or whatever your position is "oh yeah geez he's out of the office today" whatever. She comes back "no, he's not here". Okay, fine. I said "well then I'll leave a message with you" "I said this is Linda Hoagland" "I said my husband and I spoke to him last Monday night at the council meeting he had some papers I said I just wanted to see the status of where they're at". "Okay, I'll give him the message". Fine, thank you. Well, 6/17 next day I got home I was busy all day yeah I have a life too trust me. And at 2:24 I tried the phone was busy okay, I'll try again, 2:41pm ahh success "yes, Mr. Bowles is in". Okay, great "and who's calling?" Linda Hoagland "okay, I'll put you through" and of course we had a conversation with Mr. Bowles. And I understand there was an audit going on. Fine, I'm sure this isn't a life and death situation some personal stuff that I really probably didn't even need to know and then he said "well, I did look at some of that" he says "but I did refer it to Mr. Fox". But it's already 3:00pm he said "but Mr. Fox is in labor negotiations all day tomorrow". I said "fine" so I left it at that. So at but just before we hung up he said "I promise you I will call you back on Friday". Guess what? Friday came and went, the weekend came and went and just a question did you get the email that I emailed you last night? Or and I have I just was curious I'm really concerned about your email policy and how that goes through. And I didn't ask for a reply I'm just curious at this point did you get my email today?

LAW DIRECTOR FOX: I'll respond when you're done.

LINDA HOAGLAND: Okay, that's fine. So I guess that's why I came here today to question you probably need to take a look at people are trying to get in touch with you we don't want to bother you we only want to ask one question. My original emails were "I only have one question to ask can you please call me?" "Or email me back?" And like I said Mary Beth was very kind she followed up twice on Monday with a phone call and left it on my thing geez I don't understand and she did personally call me back that Monday afternoon and like I said I'm not looking you don't need to report to me what you're doing in your life.

Trust me I don't really care but I do respect and I do I worked in the public and good thing it's not a matter of life and death because I do deal with people that I take care of in nursing homes and stuff. And it is a matter of life and death if I don't respond their call. So take that into consideration. So that's that was the only reason I came tonight because I was really and I guess the rumor mill is probably what has led to what has transposed. And yes I have met with Mr. Zablo, twice, unannounced and I had him in my home and we had 2 hour conversations both times. So I'm aware of somewhat and I guess I don't want to call it a deal but whatever the deal is or whatever the thing is its real important that you have to understand that we have not come to any agreement and that would be in my email that was addressed to you Mr. Fox. Just to let so I didn't have to listen to rumors. I had the courtesy of letting you know what I actually knew. And I guess that's I expect the courtesy from everybody else here too. At least let me know what because it concerns me yeah I live with it every day. Thank you.

COUNCIL PRESIDENT PETERS: Anyone... please come forward ma'am.

CATHERINE DIMAIO: 850 Easthill I'm unit 104. So I am here to remind you that or to tell you that Mr. Zablo is not marketing this future building. We have a model on our floor it is never open, nobody has ever been in there he is not marketing that building no matter what he's telling you. If he doesn't show someone what he's going to produce they're not going to come forward with a deposit. This is an impossible situation. He's neglecting the property it's a turnoff when you come in there and see it it's been sadly neglected I am now fertilizing some of the bushes in the back that I have to see every day. Prior to that he wasn't doing anything. He would mow on occasion that was it? Our address leans south and west it has done so for years he promised to straighten it out he hasn't done that. See this property is just not what he's telling you. He's been very neglectful it's a blight in the whole neighborhood. I think we're all aware of that; I saw it before I bought my home and I bought it because of the promise that building would go up by the time the snow flew in 1912 a long time ago. It still isn't up he has no intention of putting it up and I think action should be taken and now. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Ms. Dimaio. Anyone else wishing to address council please step forward state your name and address.

MIRIAM BAUGHMAN: 320 Weber Ave in North Canton. I see on the agenda for the Committee of the Whole meeting that you will be discussing amending Ordinance No. 22 – 2011 which is the North Canton personal handbook to include Ordinance No. 36 – 2015. Back in April there was an ordinance passed 25 – 2015 and if you'll look at your copy I gave you down towards the bottom where there's a little mark it says "this policy shall be included in the employee handbook." I don't remember that it's every come to be an amendment to include the parts of 25 – 2015 in the employee handbook. So I ask is when you discuss tonight amending 22 – 2011 to include Ordinance No. 36 – 2015 that also discuss including Ordinance No. 25 – 2015 into the handbook. They're both additions to the handbook and they both need to be amended. Thank you.

COUNCIL PRESIDENT PETERS: Is there anyone else wishing to address council please step forward state your name and address.

ROD COVEY: 35 Auburn Ave SE. I've had the pleasure of appearing here roughly about 175 times since 2003 and it started kind of with the Auburn Knolls situation ironically. Although these people are talking about something that happen just in the past literally past few weeks or months. But just a comment for those that may not understand I thinks it's Jermain to know the whole picture. I've showed this before to you all before and maybe some of you have visited this area or know someone that lives there but this is the Auburn Knolls condo community in North Canton off of South Main bordered by South Main and just where Everhard comes into it. That's it. There have been there are 83 families living here and with this group and the condos now it's roughly 220. There's roughly 400 families who have lived at Auburn Knolls in that period of time. So many of them move of course and they die and go to rest homes and so forth. So that's a lot of people and the value of that property in Auburn Knolls is somewhere around \$139, 000,000 now I estimate that and I'm not an expert but I've been keeping tabs on this for years and been almost in every home there over the years and known almost everybody that's ever lived there. But that 139 I figured now is about worth \$125,000,000 that he most egregious the biggest home there which was I've said this before was over \$900,000 and it cannot be sold its been empty for 5 years it can be sold for \$200,000 and there's several along the row that faces this condo these people on South Main. They've had equal losses. So that \$14,000,000 is kind of gone. How much that has to do with Zablo and so forth more than meets the eye because you have to go back to 2003 when I think if I look around only three persons in this room maybe three or four persons in this room were aware of what happened in 2003 when Mr. Zablo bought this land from the original developers who paid \$1.2 million for the 34 acres and then built about 35 or 40 condos they split and the man in Cleveland the money man he wanted out anyways so he sold it offered it to several people DeHoff and Pat Hall realty and so forth. But Zablo ended up with it. But in my research and my background as you know is journalism that's my whole career is being in communications and so forth. So I've researched almost everything along the way I have literally thousands of documents to support all this and it's going to come to a head some day and it ain't going to be pretty. But what happened the original person who bought this land said "I want to keep this along South Main that 3.5 acres heavily wooded and had the creek running through there I want to keep that green and give it to the city as a park or whatever the city wants to do". And he also said "I want this 1.4 acres over here" over on that's where these folks live and their friends live in the other building over here "I want to keep that green also". But Mr. Zablo oh by the way and I have letters from the original the man who put up the \$1.2 million he's a developer in Cleveland he builds shopping centers and condo communities all over the country. I have a letter from him saying "yes Rod, that was always my intention from day one would never be used to be built on we'll leave it the city for a park" both those areas. That didn't happen. I also have a...I spent with Eddie Journament Jr. he's the man who laid out the original plot you know with a drawing this big with all these signatures over here from all the people in the county and the engineers and so forth and the man that proceeded Mr.

Benekos and had all that information the man who laid that out when I met with him at his kitchen table for an hour one morning over coffee I said “well why is this why aren’t the little houses shown to be built in here?” he said “the developer said he didn’t want anything in there just leave that blank give it the city for a park give that to the city for a park”. There’s even more evidence but I do have all that in writing for people who said “this should never be built”. But suddenly in 2003 what we’re going through now went on for about 5 more years it was finally resolved. But at one point the Planning Commission sitting right there 5 of them all said no, no, no, no, no but suddenly something happened I’m not going to get into that now because it could be a problem if it became public at this point. But an event happened at that precise moment that the Planning Commission said “yes, yes, yes”. I do have a website and all of this and all of that is going to be on that website. There’s quite a bit right now but remember I’m a journalist I’ve been tracking almost everything that is said and done for all these years 34 years that I’ve lived here and that it’s all going to be on there. But speaking of that yesterday I went down to the hole or foundation whatever you want to call it it is a foundation. It’s a foundation that was never supported properly in the first place but I’ve walked the perimeter of that many, many, many times and it’s really in bad shape. But anyways I’ll pass this around and if you’ll just them go around this way and then I have a set for the people back here too. But it shows that what happened Saturday Mr. Zablo came in and dug, dug out all the dirt around the foundation on the outside and I don’t know what he’s going to do what that’s all about. But the problem is worsened. Remember 5 people have come down Everhard crashed went through the light crashed the fence and went down into the creek. That happens. Every day you read about someone who hits the wrong pedal and crashes into the 7-eleven or a bar or whatever. Well I’ve mentioned so many times I’m fearful that could happen here and now I fear kids you know kids when they see water or a see a pile of dirt or a hole they like to play there. I just hope and I said this 2 months ago and we’re still lucky no one’s been hurt yet but it could happen. But any ways for your information photos of what that looks like now and looks like its getting worse instead of better. One of the main things I’ve discussed and I’ve been up here maybe 15 times in the year or so is the image. Our city image is hurting. I hope everybody in here understands that. I’ve said it many, many times. And if I’m an expert in anything I do know about image and today’s article by Mr. Wang who I’ve known many, many writers but he’s one of the best I think but anyways this is #21 in just the past 2 years and its page 1 and some of the editorials have been on the same subject for all this time. So people when I talk people from other communities Canton and the townships and so forth friends they’ll say what in the hell is going on over there anyways? I say “well it’s all in the paper you can read it whatever you read is true”. So I commend Mr. Wang for his writing. So there’s more to come but I do thank you for your attention and I hope this thing can get resolved someday. I don’t feel good about it frankly. I wish I could tell you exactly why with my experience not my ideas or my opinion I’d like to explain and I will sometime soon explain why I think this whole process that these folks are going through that probably won’t work based on my experience of what happened back in 2003.

COUNCIL PRESIDENT PETERS: Alright, thank you, Mr. Covey.

ROD COVEY: Thank you.

COUNCIL PRESIDENT PETERS: Is there anyone else wishing to address council please step forward and state your name and address. Okay, seeing none we will move on we have Mr. Ben Wheeler here from North Canton YMCA to provide an update on Dogwood Swimming Pool and the construction scheduled for this fall. Mr. Wheeler, welcome.

BEN WHEELER: Thank you for the opportunity to come and just share with you guys for a few minutes. First let me apologize I was out of the office unexpectedly most of the day today so I don’t have all my notes in front of me. But I do have some information and wanted to take an opportunity to stop by for a second and just to share some of the feedback that we’ve gotten this year and of course make myself available if you have any questions or comments regarding the operations over the first couple of weeks here of the summer as we’ve been working with the Dogwood Pool. To date just a couple numbers for you off hand pre-season sale wise we had a very good year this year compared to last year. On a revenue standpoint we’re up about 5% based on last year so that involved the new rates and the number of passes we were able to sell in the pre-season this year. So we’re really excited with that and very promising overall. Overall we’ve sold just over 730 passes so far this summer. That’s just around 60 more than we were able to sell last year in 2014. Again promising we continue to sell at an obviously much slower pace moving forward. The majority of those passes that we’ve sold this year in excess of last year were families for families in our communities. So certainly I think with the YMCA’s involvement with families in our communities from there too and the ability to reach out and connect those two pieces together. So really it’s been great this year and we’re really excited about that. Couple of the pros that we’ve heard from the feedback that we’ve gotten from people at the pool this year so far we’ve gotten a lot of positive feedback on some healthy concession options that we’ve had this year. Been able to partner with our suppliers and through our child care center and through a number of other entities that the YMCA works with and so working with people there to provide fresh fruits provide 100% juice options, sandwich options for the kids uncrustable chicken salad those kind of fun things as well. So we’ve gotten positive feedback on that. Along with that and not only concessions but also with the desk we’ve been able to increase technology little bit differently this year. And so the ability to use credit cards as we become more and more of a society that doesn’t carry cash that’s why a lot of our parents and family members have found that convenient to be able to use credit cards that into the pool and at concessions and so on and so forth. So be able to do some neat things that way. The other part of course with our technology is as guests come into the system whether its season pass holders or people paying for a guest pass we’re able to track who’s coming into the pool at a much more definitive rate this year. But the computer system that we have on hand I think that also has contributed a lot to the perception of safety that the community has. So we’ve gotten a lot of feedback on that for safety and recognizing who’s using the pool and who’s in and out has been very positive for us as well. The other probably odd subject of note from very positive feedback we’ve gotten is is just the accessibility by of course utilizing our main building over here on Main Street the opportunity for people to come in the evenings and buy passes or to come in Saturdays and Sundays to call in on a Saturday

and find out if we're open or what the weather's going to be like and so on and so forth. So just some of the benefits that we have through the partnership here and through this management agreement with the city that we were able to do that. It's amazing the number of phone calls we get on a Saturday morning for people who want to do that. Last year that really wasn't an option for you necessarily to do that. So we're very pleased to be able to offer that to the community as well this year. Even on Friday evening we opened the pool on a Saturday, May 22 Saturday before Memorial Day was our opening date and that Friday at 6:00, 7:00, 8:00 it was lined out the door people buying season passes and the ability to do that after work hours. Also I think also helped to contribute to the increase in pre-season sales in previous years. So been really positive benefits I think that way all the way around. The only issue that we're working through right now and it's a good problem to have but we've on the really hot days we've had some big lines here and there. So we've implemented some strategies to recover from that a little bit. We've created a new backup system so at times when the lines does get big that we can go to a backup system that expedites that get the people into the pool. We've just added a third computer to the front desk as well to be able to process things faster and move that along as well. As well as designating one specifically for those season pass holders so they're able to get right in and designating two computers for guess passes. So that's been speeding that up a little bit as well. We've also taken the opportunity with the Dogwood Pool which is the first for our association and the YMCA of Stark County to have a paperless site. So even with the credit card receipts we're able to email receipts and those kinds of things. So not worry about going to a printer and getting signatures we're able to go paperless which again speeds up the process up and makes things faster. So we're really excited about some of the opportunities we've had to work within the pool and serve the community in a different way and to go from there as well. So overall we're having a great summer we're enjoying it you know we've had a little bit of rain this last week but today was a gorgeous day and I'm outside as long as the weather holds out we're excited about all the things that can happen over there. So I did have a chance to visit with Dominic at one point couple weeks ago and to address some concerns with him. I think we were able to do that and overall I can tell you that the vast majority of the feedback that we're getting has been very positive and I just hope it's been the same for you guys. So just wanted to give you a brief update.

COUNCIL PRESIDENT PETERS: Yes, thank you, Ben. And it has been very positive I know one of the biggest changes that I think it took people to get used to was the deep water swim test. And I think once they realize you know why they were doing that just something they had never done before.

BEN WHEELER: Sure.

COUNCIL PRESIDENT PETERS: You know so as with anything any change it always comes with a little bit blowback but I've heard nothing but positive comments in regards to that. And my youngest passed the deep water test yesterday.

BEN WHEELER: There you go.

COUNCIL PRESIDENT PETERS: Yeah.

BEN WHEELER: I think that's true that's been one of the transitions is our safety protocols are a little bit more stringent at the YMCA than people are used at the pool over there. So initially it was a bit of a challenge but I think we've communicated pretty effectively and overall I think people have been pleased with just the increase in safety that way we're not incident free we've had a couple of saves but you know nothing major. So we've done overall it's been very good so far of course.

COUNCIL PRESIDENT PETERS: Good stuff, good stuff.

COUNCILMAN CERRETA: How's the suntan lotion stuff going?

BEN WHEELER: Absolutely you know thank you that would have been in my notes if I'd remembered them. I also want to make sure that you guys were aware of that this was an opportunity that was presented to us through our existing relationship with the North Canton Medical Foundation. Through conversation they have a specific initiative that is about sunscreen awareness and preventing sun cancer, skin cancer sorry. So through those conversations we were able to come up with the idea and partner with them and through their funds we are able to provide complementary sunscreen this summer to everybody at the pool. So we've got two dispensers up right now with some information about the dangers of skin cancer and the importance of sunscreen. We're going to be including two more additional dispensers up this week with additional signage as well. So just a great opportunity to bring another partner into the table from there too and to further their mission and at no cost to us or to the city to be able to provide a great benefit for anybody who comes to the pool this summer. So thank you.

COUNCILMAN CERRETA: Is it being used?

BEN WHEELER: It is.

COUNCILMAN CERRETA: Do you get a lot of that.

BEN WHEELER: You know it is its being used we're still having to tell people it's there and to recognize it I think it's one of those things it's the same we're using credit cards at concession stand it continues to increase on a daily basis. People are used to not having that as an option so we have to continue to educate that this is an option now and available for you. Once they find out about it they love it and its fantastic but absolutely it is being used it's been very positive. So which as a parent of

three children it's always that's one thing I always run out it feels like. So it's fantastic to have a little extra sunscreen at the pool and just to keep it make it safe environment too. So we've very excited. Thank you.

COUNCIL PRESIDENT PETERS: Anything else? Mayor, anything to add?

MAYOR HELD: No, I think that I really appreciate the work that you've done Ben and your staff is doing over at the pool. I think it's being run very well. I mean clearly the level of expertise at the YMCA has, has made a lot of improvements. You know I think it's going to be certainly a much safer for our residents and I think you folks provide very good service.

BEN WHEELER: Good, thank you.

COUNCIL PRESIDENT PETERS: Alright, thanks Ben, we wish you continued success.

BEN WHEELER: Thank you, no problem and of course I'm always available.

COUNCILWOMAN WERREN: Keep us updated.

BEN WHEELER: I will.

COUNCILWOMAN WERREN: And send the good emails we just got one today and I love hearing them and you know the other ones too and you take your majority of the people that are satisfied and you go with that.

BEN WHEELER: Absolutely.

COUNCILWOMAN WERREN: You know you're always going to highs and the lows. So we've heard great things.

BEN WHEELER: Well, good and thank you. And of course we want to be known as an organization that's very you know reactive if somebody has concerns and issues we want to make sure we're able to address it and work with them on it and get through that. So if we do have any other concerns please make sure we communicate those to us so that we can address those directly.

COUNCILMAN FOLTZ: I'd follow up it says here construction schedule for the fall. Do we have a timeline yet when we're going to actually do the liner?

ENGINEER BENEKOS: We don't have the date but it's scheduled as soon as the pool closes to start.

COUNCILMAN FOLTZ: We don't know when we're going to close the pool though. I guess that's what I'm asking.

BEN WHEELER: Sure.

COUNCILMAN FOLTZ: Or do we know that?

BEN WHEELER: Well, my again that's a I'll close with this as well because from our point of view you know we've had an opportunity now to be I there to work for a couple of weeks there and so I'm not clear exactly on what has been proposed as far as construction and I know it's beyond the liner there's some additional construction there as well. I'd love to be able to I don't know which department who's handling that is that you Jim? So I think we'd love to be to get a better handle on what that plan is moving forward from there. The initial date that I had been told was August 23rd would have been our closing date and you were starting construction that following week. So I don't know if that's been finalized or not. And I'm not sure if there's any flexibility with what is being recommended as far as an actual plan moving forward too.

COUNCILMAN FOLTZ: Well even if we could extend the pool season I'd be more than receptive to that that's something to work out. I'm sure we'll have plenty...

COUNCILWOMAN WERREN: Yeah, but it wasn't based on us, it was based on construction...

COUNCILMAN FOLTZ: Right, I understand.

COUNCILMAN GRIFFITH: But you're saying Ben what I'm hearing you say is it isn't as closely tied to the date as it is about the plan itself. That you're saying now that you guys have been in there and have kind of tinkered under the hood a little...

BEN WHEELER: Sure.

COUNCILMAN GRIFFITH: You might have some suggestions about changes to the plan one way or the other. Is that right?

BEN WHEELER: Yeah, I think you know get a better look at what the plan is in detail. And then we've got the overall what we're looking at this way but in detail what exactly where we're adding or taking away or what the plan looks like. So at some point in time maybe connect with you and Jim that are working on that maybe get some of my guys together on that just so we can kind of look over it and see what you're proposing to planning this way. Things from an operational standpoint from what we've seen this year and what we've come through and maybe we'll want to tweak that a little bit moving forward just to be

prepared for the future,

COUNCILMAN FOLTZ: Right, my point would be there’s timelines but sometimes contractors get behind or things don’t come in I’d hate to see the pool shut down on a date and then we don’t start construction for two weeks. That’s my point it happens all the time everyone has best you know intentions but sometimes it just doesn’t work out.

COUNCILWOMAN WERREN: Well and his staffing is going to be difficult I’m sure at the end as well because all the kids are going to be back in school.

COUNCIL PRESIDENT PETERS: Yeah, that was my next question because the kids go back to school on the 19th, so if it’s a possibility to extend it out to say the 29th or the 30th you’re looking at a week and a half after school starts are you able to staff?

BEN WHEELER: Yeah, I’d hate to commit without confirming with my staff yet as far what that goes, but I don’t see any major obstacles there. Again, you know we have a number of resources at our disposal and moving into the fall we actually hire additional lifeguard staff and additional swim instructors and so on and so forth. We pick up in the fall. Our summer is our slow time and so we have an opportunity to share staff between buildings and between there too to certainly to make that happen. I foresee it certainly as a possibility without confirming with my staff. So...

COUNCILWOMAN WERREN: And it would be different hours too I think...

COUNCILWOMAN KIESLING: Yeah, they tend to close during the day.

COUNCILMAN FOLTZ: Right and I thought that was an advantage going with the Y having those resources to stay open later in the year.

BEN WHEELER: Right, because of the constructions. So...

COUNCILMAN FOLTZ: Like construction but if not then we should be open. That’s my point.

BEN WHEELER: Sure, I think you’re right it’s not an asset unless you utilize it and its just sitting there otherwise so let’s make sure we’re maximizing it as best as we can. So I’ll connect with Jim Benekos and Jim Davis on the construction plans move forward and if we get a date that changes off of that one in August we’ll see what we can do to keep it open later. Absolutely.

COUNCILMAN FOLTZ: Okay, thank you.

COUNCILMAN CERRETA: Thanks, Ben for making it here I know it took you a little bit to get down here. Thank you.

BEN WHEELER: No, no problem glad to be here anytime. So thanks guys and I’ll continue to update you. Thank you.

12. Reports – Council:

COUNCIL PRESIDENT PETERS: Okay, reports, Member Werren?

COUNCILWOMAN WERREN: Thanks again for the group coming from Easthill. At least there’s some communication going on and that’s nice to see I think Tim has other updates and will keep us informed.

COUNCIL PRESIDENT PETERS: Member Kiesling?

COUNCILWOMAN KIESLING: No report.

COUNCIL PRESIDENT PETERS: Member Griffith?

COUNCILMAN GRIFFITH: No report.

COUNCIL PRESIDENT PETERS: Member Cerreta?

COUNCILMAN CERRETA: No report.

COUNCIL PRESIDENT PETERS: Member Foltz?

COUNCILMAN FOLTZ: Yeah, I appreciate the emails from you Jeff I did go down to Sheraton I know it’s been a long process for the people at the flooding and I replaced it last year I’m glad Jim put it in the budget and we all approved it. We have \$19,000 for a study talked to Jim briefly I know you followed up too Jeff. It’s something that we’ve got to get done for them. We need some way to come in and look at the whole process Wise Avenue, Plain Township, us, see what’s going on and provide a solution to those people. I think that’s what this study is going to do that’s what I’m looking for. Because we’ve had ideas...

COUNCIL PRESIDENT PETERS: Yeah, but we’ve had some other things going on as well and we still have to twist a couple arms down there to get them to sign off on some other issues but we’ll address that at a later time. But we are working on it.

Maybe you could touch on that in your report at some point.

ENGINEER BENEKOS: Yeah, we're starting the report this week I'm meeting with the consultant to get that started. Whether you know our retention basin is the solution or if we could come up with some other solutions there. But they'll come up with some options we'll meet I plan to meet with the residents early on just to hear what they have to say.

COUNCILMAN FOLTZ: And I want to be part of those meetings because I've talked to them through the years.

ENGINEER BENEKOS: Right.

COUNCILMAN FOLTZ: I think it's going to involve Plain Township because that their drainage comes off there's no storm drains. We're taking care of that whole corridor it wasn't planned right and it never built and have commercial structures there without some kind of storm water plan now. And that's what suffering...

COUNCILMAN CERRETA: Every one of the neighbor's downspout aims towards his.

COUNCILMAN FOLTZ: Exactly.

COUNCILMAN CERRETA: Every one of them.

COUNCILMAN FOLTZ: He's the low point of the area.

COUNCILMAN CERRETA: Yeah, right, and we know we have a drain down there but if they could push those away I mean it's just not the neighbors it is the road coming off.

COUNCILMAN FOLTZ: There is a lot coming off I sit up there and watch it come down through there. So... Okay, thank you.

COUNCILWOMAN WERREN: Speaking of retention basins the one behind the over here behind the Hoover plant. Last week we didn't hear any calls I was out of town but I called today to say "hey, how did that go with all the rain we had this week?" People seemed dry and no complaints so it seems to have done the job at this point.

COUNCIL PRESIDENT PETERS: It is performing as expected.

COUNCILWOMAN WERREN: Let's hope it continues to quite doing it.

COUNCILWOMAN KIESLING: Going off the parking lot you mean?

COUNCILWOMAN WERREN: Off the parking lot, right, right behind. And if you haven't had a chance to look but the trees are up and the wall's up and they did a nice job.

13. Reports:

COUNCIL PRESIDENT PETERS: Director of Law?

LAW DIRECTOR FOX: Sure, let, let me begin I guess with Mr. Osborne started with this hair trigger offense that at some council meeting I called a wall at a construction site that is holding up dirt a retention wall. He's terribly offended by that so I'm not an engineer but you know if that wall that's holding up the dirt on the side of the construction site if that offended you I'm not certain that I should necessarily apologize it was what it appeared to be. Of course it is the beginning of the foundation the construction of the condominiums. I think we all knew that. But if somehow that's offensive to you I guess I'm not sure what to respond to that. I return calls the same day. The email that I received I received it yesterday and you did not ask for response back you simply wish to sound off and which you did and I read that. So I do get your emails I've returned a great number of calls many of those to say the exact same thing. This is in litigation in the criminal complaint we cannot move it any faster along. The city does not have any right to come and trespass on private property and fill in a work site. You have to understand that. I represent the city's best interest. It may not line up exactly with the residents there. But that's the reason it began. And since it began you've come to sound off that you're so frustrated with this but I guess perhaps some of the things that confound me are some were asking for trial strategy. And it's not in the best interest that the city discuss that at an open meeting with the Repository here talking about what the city's trial strategy may be in a criminal complaint. I hope you can understand that, that's not something that we would openly discuss. That's not the way to go about resolving a criminal complaint and it's out of our hands. Its' with the Canton Prosecutor's office I think you all know when the pre-trial, you all know when the trial date is. You all know who the prosecutor is. You know who his attorneys are. I don't know what more I can tell you about that. But that we are actively involved trying to resolve this issue in the city's best interest. The call that I received from Ms. what I gotten and I probably didn't hear it well was Lux. My understanding is that you received the answer to that question. Your call was who issued a permit. My understanding was that question was answered. I didn't feel there was a need to call you back to tell you my office doesn't issue work permits; to tell you where that would be done. My understanding was that it had been taken care of. If it wasn't I apologize. I don't know what more to tell you about it other than as I said we're looking to do what's in the city's best interest. There's quite a number of comments that I received from the Repository. I responded because it appeared to me that the Repository was making some comments that I thought were incorrect. Comments that I made. And it appeared to me that those comments were made from me to understand well I

didn't say that. You're asking me to call you back to correct that perhaps so you can ask some more questions. I asked that gas not be thrown on this fire if you will. That we're trying to get this resolved and that if you give us some time to try to resolve this and not perhaps entice people not as you said fuel the fire that I would respond and answer those questions. Yet I still received I think 7 calls from Robert Wang within a period of a couple of hours. So again it's the front page of the Repository it's an issue that's been sitting for 7 years. It didn't get any interest until the city filed a criminal complaint. That's when people came in that's when the Repository took an interest. I'm not sure what happened on Chuck Osborne's watch with this. You know we look at he was responsible for the last, the last if you will the package that we had for zoning ordinances and there are perhaps some weaknesses in there. And you know it, it's odd that he doesn't take responsibility for the shortcoming something that he was completely responsible for. He had what Ms. Werren has right now in charge of rules and ordinances. He was responsible for that package. So maybe it's the frustration of letting residents down with that. I'm not sure but as I said we are actively working with Mr. Zablo in trying to bring this to a resolution that's in the residents best interest, that's in the city's best interest and still you know as well as his own. He's developing properties, developing I think the condominiums that you actually live in. Those are remarkable, they're beautiful. I've been in them, I looked at those when I looking at where I was going to live. They're a beautiful set of condominiums, he's looking at building more and I can see your frustration with that the beginning of a job site and that its sits in that condition. And that's what I brought to him and he understands it. He agrees. The concern is if you start a construction project and then you let it sit there even though it's a construction project the argument is if it's not moving forward then it is an eyesore. It is a nuisance. So what we're trying to resolve is are you going to bring it forward or if you're not put it in a condition that it's no longer what the city and what the residents would view as a nuisance. So I hope I've answered your questions for that. As I said there is a pretrial coming up I can't give you more of what we're trying to do. But you can rest assured it's in you know what we're looking is in everyone's best interest. That's all I have.

COUNCIL PRESIDENT PETERS: Thank you. Director of Finance.

FINANCE DIRECTOR ALGER: Just to let you know the audit has it will be wrapped up the end of this week. We'll set up a post audit next month and I will be submitting the comprehensive annual financial report for the 25th year of award. So that's it.

COUNCIL PRESIDENT PETERS: Good stuff, Mr. Mayor?

MAYOR HELD: Yes, and council members I'd like to thank you for taking the interest down in Sheraton Street and for going down there and taking a look at it. Because it did flood at least twice during the heavy rains and you know fortunately it's contained to the street and not the basements. Which is real positive. But at the same time we want to sure and resolve the flooding of the street as well. So I know our city engineer is working on that. Also for the residents next to the development property that has been sitting still it's been an eyesore for more than the four years that the Hoaglands have been there. This has been going on with the city for 7 years. And you know certainly my hope since I've been here that that property was to be developed. So that we could have new condominiums there so that it wouldn't be an eyesore to you folks, it would be an eyesore to the residents that have been driving down through that area for the past 7 years. What the developer has done is completely unacceptable. And I know that that you folks at the housing association have done everything that you can to try to bring progress or try to resolve the situation to no avail. And I think now when you look at everything at the city's resources we can bring the developer in here to mayor's court but we realize that that's not the best action to take. The best action that we had available to us in the city is to take the developer down to court in Stark County and resolve it through the criminal court system. And your frustration does remind me of when I first started here as mayor when we had all the flooding. And I remember being out in the residents home when we were waist deep and sanitary sewage and storm water in the basements a lot of the homes. And I felt for them because I was right there with them watching all their possessions floating you know pictures, appliances, refrigerators, ovens floating there. And with good intentions I decided to take action and we were just going to remove one of the logs out of the dam in the Zimber ditch. That was one act we were going to take we were also simultaneously going take the city's backhoe and start digging out the Zimber ditch make that a little bit deeper. And shortly after that we were going to have the runoff that coming off the golf course because it was going in the residents homes flooding their basements. Just take dirt from one project and build a dam. It seemed pretty logical to me. And in all three of those cases I learned from our law director at the time it wasn't Tim Fox and from the Army Corp of Engineers that I am not to authorize the city to dredge the Zimber ditch, to remove a log from the Nimishillen Creek or to put up a barrier that was according to our city engineer to put a little dam there to prevent the water flow because Jim reminded me he said "how do you know that's going to hold?" "How do you know that's structurally sound?" "How do you know you're not redirecting water somewhere else?" And so the point that I'm getting at is that the councilmembers, myself we have no incentive to just let this drag on because it's worse for you folks because you have to look at it every day. But it's also bad for the city because the property's not being developed and it is an eyesore. And it has been there for 7 years. I mean going like another day is absolutely to me unacceptable. But at the same time we do have to as the law director stated we have to follow the law. We are required to follow the law. When people are not calling you back please accept my apologies for that because you should always receive a phone call within 24 hours. At the same time I know that the city employees should not be commenting at all on this case because it is in the court system. And the councilmembers and myself are told by our attorney you don't mess with that if it's in the court system because you may not be helping the situation. Or you may not be helping to bring resolution to this. So again what I'll do is I want to make sure Mike and Shirley I'll make sure that you folks have my cellphone you can call me any time. But at the same time I'm probably not going to be able to give you any more information than what you already know now. And it's not because we're not sympathetic to what you folks are going through it's just that we're locked in. We're just locked in and I personally learned the hard way and I know our councilmembers have learned the hard way that if something is in litigation you know just let the attorneys take care of it. So according to the article that was in the

newspaper Mr. Fox has indicated that he feels that if we give them two more weeks that we'll be able to come up with a satisfactory resolution that's satisfactory most importantly to you folks that are directly impacted by it. And given the fact that it's been 7 years if we can hang on two more weeks and hopefully we get a satisfactory resolution. And so we do I know the councilmembers, myself, we do appreciate your patience. But it is tough to sit through this and watch this. I mean from what the developer's done. Because it's unacceptable. It's terribly unacceptable. And you know if it would have been me 10 years ago I probably would have had the city crew out there with a backhoe knocking down the wall with good intentions and probably would have our law director and our city engineer and the police chief and everybody else God knows who else maybe the judge out there you know telling me "you've got a big problem now, mayor". So we've got laws and we've got a process to follow. So please do not confuse you know my maturity and my I guess patience in the process as not caring. And the same thing with the councilmembers. Because we do care so hopefully two more weeks we get better news. That's all I have. Thank you.

COUNCIL PRESIDENT PETERS: Thank you. Mr. Engineer?

ENGINEER BENEKOS: Three items. If you noticed the walls on Main Street some of them have been taken down because of concerns for the danger of them falling down. So we did remove those. We don't have funds at this point to replace those we're meeting with the property owners this week to discuss options on what to replace there. Some of them they may want the wall back they may want it laid back just grade it back with grass but before we you know just blindly go up and replace the walls ask you for the money to replace them we want to talk to the property owners and see what they would like to have done there. The other thing you have before you the bridge report for this year, we're required to submit that annually so there's the bridges that are the city's responsibilities and then the county bridges within the city that are the county engineer's responsibility. They provided that report for us. If you have any questions and any of the bridges any time feel free to contact me.

COUNCILMAN GRIFFITH: Can I ask a quick one relative to that? (Yes) We've got the one on Glenwood is looks like its there's some criticism of it in here too. Is that one scheduled to be replaced?

ENGINEER BENEKOS: No, structurally it's in good condition there's just some other items I believe the waterproofing needs to be addressed to help prevent the rusting of the reinforcing bars within the concrete. We looked at a couple years and we may have to strip the surface there put a waterproofing membrane and then put the new asphalt surface on. But we'll look at that. Any other questions on the bridges? That's pretty quick; I just gave that to you. And then on Applegrove Street I don't know if you've noticed we were out there digging today. Last week the county engineer and the city's joint project was repaving Applegrove and Whipple and the paving machine kind of sunk in one of those locations we dug up two spots. Our street department went out TV'd to determined what the cause was and back in 1999 it was a state project that we redid Applegrove. We widened it and relocated a portion of it, the storm sewer there the pipe wasn't pushed together tight and there was a little gap there and the sand and the dirt was leaking into the storm pipe and creating a void under the pavement. And that's created the problem so our street department TV'd the storm line determined that and then they saw another location where that was happening. So if you notice if there's two patches up there, two holes today. They were able to use the Jet Vac that we recently purchased, the new backhoe that we recently purchased and the camera truck that we recently had rehabbed. So we were able to do all that work in house with the city equipment and city manpower. So hats off to the street department and the patch we would have had to hire that work out and it would have been very costly. So just wanted to bring that to your attention and Mr. Davis and Mr. Battershell doing a great job out there. So that's all I have.

COUNCIL PRESIDENT PETERS: Madame Clerk?

COUNCIL CLERK BAILEY: I do not have anything at this time.

14. Final Call for New Business:

COUNCIL PRESIDENT PETERS: Alright, with that I'll entertain a motion to oh final call to council for...

15. Adjourn:

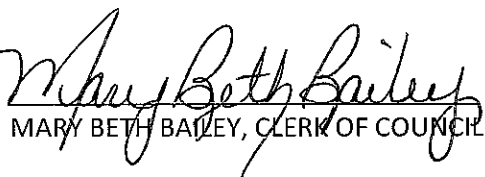
COUNCIL PRESIDENT PETERS: Alright with that I'll entertain a motion to adjourn.

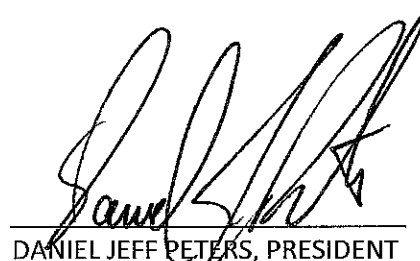
COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT